

**REMARKS**

Claims 1-50 are all the claims pending in the application. Claims 1-4, 7-28 and 31-50 presently stand rejected. Claims 5, 6, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Examiner has returned the PTO/SB/08 filed with the Information Disclosure Statement on July 2, 2004. However, the Examiner did not initial all of the references. The Examiner is respectfully requested to return a completely initialed PTO/SB/08 for the Information Disclosure Statement filed July 2, 2004.

Claims 1-4, 7-10, 26-28 and 31-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhou (6,081,638) in view of DiDomenico, Jr. et al. (4,165,496).

For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

***Argument***

The invention disclosed and claimed in the present application relates to an optical semiconductor module in an optical communication network. According to one embodiment, the optical semiconductor module of the present invention is equipped with a light monitor 13 that monitors light emitted from a light emitting element 12. The light is received at the light monitor 13 through a clad layer 15 directly from the light emitting element 12 and is never reflected.

**Zhou reference**

Zhou discloses a fiber optical header including a monitor 103 detecting light radiated from a light source 102. As shown in Fig. 4, the monitor 103 receives light through an optical

fiber 101A and not a clad layer. Therefore, Zhou fails to teach or suggest light monitoring means for receiving forward light through a clad layer directly, as expressly required by the claims.

DiDomenico reference

DiDomenico discloses an optical fiber tap comprising a photodetector 54 which detects light transmitted through an optical fiber 50 and emitted from the end of the optical fiber 50, as indicated in Fig. 5. Thus, DiDomenico does not disclose light monitoring means for receiving forward light through a clad layer directly.

Fukutomi reference

Fukutomi discloses an optical waveguide module comprising a photodiode (PD) 8 that detects light emitted from a laser diode (LD) 3. As shown in Fig. 1, the light is transmitted through an optical waveguide 2 and detected at the PD 8. Thus, Fukutomi fails to disclose light monitoring means for receiving forward light directly from emitting means, as the Examiner admits in the Office Action.

As explained above, each of the references cited by the Examiner fail to disclose or suggest “a light monitoring means for receiving forward light through said clad layer directly, which is emitted from said light emitting means.” Therefore, even if a skilled artisan were motivated to combine the references in the manner proposed by the Examiner, which he would not be, the combination would not meet all of the requirements of the claims. For at least this reason, the claimed invention is clearly distinguished from Zhou, Fukutomi and DiDomenico.

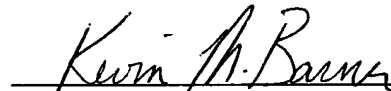
AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/067,337

***Conclusion***

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims **1-50**, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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